THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.11717 OF 2000

Date: 27.07.2005

Between:

A. Krishna

….. Petitioner

and

The Chairman, A.P.Bhoodan Yagya Board, Hyderabad and others.

…….. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.11717 OF 2000

ORDER:

This writ petition is filed seeking a *mandamus* declaring the action of the respondents in obstructing the free flow of public by constructing a community hall on the main road of the colony as arbitrary and illegal and consequently directing the respondents not to carry on any further construction obstructing the free flow of public on the road more so in front of the house of the petitioner situated in plot No.168, admeasuring 144 meters in Shaikpet village.

The petitioner claims that his mother A. Laxmamma got a piece of land bearing plot No.168, admeasuring 144 mtrs. at Shaikpet village granted by Bhoodan Yagya Board, the first respondent, in 1983, on the ground that she is a poor and landless lady and since then they are in possession and enjoyment of the same. While the things stood thus, the first respondent again started distributing the lands to poor persons, by altering the existing plan of colony, without obtaining any permission either from HUDA or from MCH. It is alleged that the respondents by altering its plan, illegally constructing a community hall on the main road of the colony, thereby obstructing the free flow of the public. Though the petitioner got issued a legal notice, the respondents have not acted on the same. Hence, the filed the present writ petition seeking necessary directions to the respondents in this regard.

The second respondent filed its counter admitting the ownership of the mother of the petitioner over the above said land. He further submitted that the notice, dated 07.07.2000, got issued by the petitioner was forwarded to the Commissioner & Special Officer, MCH for taking necessary action, since the site falls within the jurisdiction of M.C.H., HUDA.

The grievance of the petitioner is that the first respondent, by altering its plan and lay out, illegally constructing a community hall on the main road of the colony, thereby obstructing the free flow of the public. The first respondent cannot alter the lay out or plan without the permission of the M.C.H. after

sanction of lay out. Therefore, the alleged action of the first respondent in constructing the community hall in the public road is contrary to the lay out rules.

Therefore, the writ petition is allowed. The first respondent is directed not to make any constructions in the colony, contrary to the lay out rules. There shall be no order as to costs.

27.07.2005

ksld